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those few, who, as our author expresses it, 'have not bowed the knee to Baal,' were a combination of ignorant blunderers and unprincipled hypocrites, whose god was mammon, whose very 'cures are escapes,' and by whom 'hecatombs are annually sacrificed;' and that 'the practice of physic is the last profession, that an honest man would wish to engage in.' But will the world believe this of those, whose privileged feet must enter the sacred *penetralia* of domestic life; who must continually become the confidants of their follies and their faults, and on whose skill and integrity they must so often rest the preservation of their health, their honor, or their lives. And can no honest man wish to engage in a profession, which is forever holding up to view, the policy of benevolence and sympathy, of tenderness for the health and happiness of his fellow-creatures, and charity for their weaknesses,—which connects his daily avocations in the strongest manner with the exercise of the social feelings, and enforces the duties of morality by the powerful sanction of immediate interest? Will men, we repeat, believe these accusations? And if they will not, need we intimate to the accusers, what will be believed of them. Our authors inform us, that they found it expedient to omit several essays in this volume, which they hope soon to publish in another. But, if these are of a similar character to those before us, we entreat them for the credit of the profession, of their country, and of human nature, to refrain from their publication.

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ART. XVII.—*The Principles of the Holy Alliance; Or Notes and Manifestoes of the Allied Powers.* London, 1823.

These papers are well calculated to excite reflection in the mind of every liberal statesman and national jurist. They afford the strongest indications, that have yet been given, of a settled determination on the part of the allied monarchs, to preserve by force the ancient system of government, from any reformation; unless proceeding from a quarter, where, hitherto, every thing savoring of an innovating spirit has been carefully repressed, and where all reformers must necessarily meet with

their natural and eternal enemies. If the governing principle of these documents be once established—that all reformation originating with the people, or caused by their interference, is inconsistent with the welfare and repose of Europe, and as such, is to be put down by the combined arms of foreign powers; we may indeed abandon all hope of any melioration in the condition of mankind; except through the struggles and throes of a convulsion not inferior in horror and bloodshed to the French revolution. Instead of partial reformation confined to each particular kingdom and effected at different periods; the peace of the world will be destroyed by a total and general revolution, in which the aristocratic and liberal parties throughout christendom will be engaged in active hostility. The only effect of any combination, like the holy alliance, to put down the spirit of revolution without extirpating its causes, must be to retard the progress of innovation, until the revolutionary excitement shall have accumulated beyond the power of resistance or control. To expect that this result will be averted, by the voluntary surrender on the part of the privileged orders of their immunities, is to hope for an event contrary to all experience. It is to suppose a change in human nature to be easier than a political revolution. The natural tendency of all aristocratical and monarchical institutions is to augment the power in the hands of the rulers; and while the wheels of government move on without interruption, and the splendor of the privileged orders is maintained at the expense of the laboring portion of the community, they are not sensible of the misery of those beneath them. They so seldom come in contact with the inferior classes, that they feel no sympathy in their condition, and before it is displayed by a surrender of any of their privileges, they must be reminded that government was established for something besides the enjoyment of kings and nobles, by complaints that never proceed but from a desperate people, and are conveyed in a voice, whose very tones speak force and violence.

To insist, therefore, that all reformation must proceed from the monarchical part of the government, (a proposition which of itself presupposes a consciousness of imperfection rarely if ever felt,) is sufficiently absurd. But when to that is added the monstrous maxim, that all innovation proceeding from the forcible interference of the people with their rulers, is to be

crushed by the armies of surrounding nations, they together form a theory of despotism, at once subversive of the laws of nations and the best hopes of mankind. The political regeneration of Europe is placed at a boundless distance, and is only to be expected, when by the gradual operation of those causes, that have so much enlightened the public mind in the old world within half a century, the oppressed in all civilized kingdoms shall be arrayed in open opposition to their oppressors. At what time this state of things shall take place it would be imprudent to prophesy ; but that this crisis is not far distant, may be easily foreseen by all, who have examined the present political and social state of Europe with the slightest attention. The general diffusion and increase of wealth, the extension of knowledge to the lower classes, and the great improvement in the condition of men in almost every particular, had, in the infancy of the present generation, rendered the actual situation of society inconsistent with its existing civil institutions. Deriving their origin from the warlike barbarians, who established the feudal system, and among whom military science and courage were the only requisites to high station, and the best lance and the strongest arm were the most indisputable titles to rank and property ; they necessarily became unsuitable to a commercial community, in which industry, enterprize, and economy were regarded as the best qualifications to ensure respect and power. The ignorant warriors who overran Europe during the sixth and seventh centuries, and who laid the foundations of most of its civil institutions, as conquerors of the countries they invaded, according to the prevalent code of war, took absolute possession as in property of the land and its occupants. They sought to transmit their power to their latest descendants, by confining their attention to warlike pursuits, and provided for their support by appropriating to themselves the productions of the soil and the labor of its inhabitants, who were divided among the conquerors as appendages to the land. These claims were at first maintained by the same force, with which they were acquired, and after the victors and vanquished were amalgamated into one community, by the juridical powers assumed by the seignoral lords within their respective domains. They were thus interwoven as it were into the constitution of society. This assumption of rank and superiority was not resisted, by

the dispirited and vanquished cultivators, happy in the preservation of their lives ; and the subsequent generations growing up under that system, (which was tolerably well adapted to the savage state of the world,) were not tempted to innovate upon it, by those provocatives to an inquiring and adventurous spirit, which are afforded by modern society. On the contrary, they continued to perform the task assigned to them in the social system, viz. that of laboring for the benefit of their feudal lords, without profit or reward. The hereditary claim of the nobility to these unpurchased and unmerited services, could not long exist in any except a military community. The necessity under which the cultivators then labored of seeking protection against the barbarous hordes, which the northern regions were constantly pouring forth to devastate and plunder the more fertile countries of the south, induced them to acquiesce in the exorbitant price, that was demanded for the services of their military lords. A respect too was felt by the peasantry for a nobility, who displayed in so eminent a degree the attractive qualities of a warlike race, and whose offspring stimulated by their fathers' example, and the manners of the times, were early initiated and excelled in those exercises which exalted their ancestors to their high stations. By these means, the notion of hereditary rank was justified, and the privileges of the feudal aristocracy were sustained by popular sentiment, long after the qualities, which had earned and preserved those immunities, had become less necessary for the rulers of a nation.

The laws of primogeniture and of entails all tended to the same object, viz. to perpetuate and augment the power of the privileged classes ; and whilst the mass of property consisted of land and its raw productions, their privileges rested upon the sure foundation of enjoyment and ability to maintain it. Their tenants, who belonged to them by law and obeyed them from habit, formed a large portion of the community, and with the courage and military skill of their lords to direct them, would have easily overpowered those inhabitants, who felt disposed to resist their authority. In a society thus constituted, power must have become concentrated in the hands of a few ; where it would be augmented until it was rendered intolerably burdensome to the rest of the community. Thus in most of the nations adopting the feudal system, we find the nobility

claiming to exercise privileges inconsistent with the very end of society, while the cultivators of the soil, or the serfs, were reduced to a condition, but little if any better than that of domestic cattle. From this state of things the political institutions of Europe derive their origin. Here we see the beginning of the privileged classes, of their independent and conflicting courts of judicature in the same kingdom, and of those feudal institutions in general, which, by the progress of society, have been rendered such insufferable abuses in modern Europe. The institutions that were well adapted to a time in which agriculture was the chief productive art, and war the chief end of government, were no longer tolerable, when the manufacturing and commercial arts had become the main business of men, and governments devoted their efforts to develop the resources of their respective countries. The great amount of real property, which was monopolized and withdrawn from general use by the nobility and the church, (enriched as it was in the dark period of religion,) was also at variance with the spirit of an age, in which an active circulation of capital was required by the habits of the community. Many efforts have been made to reform these abuses, and to render the political institutions of the old world more conformable to the advanced state of society. The barriers, behind which the hereditary aristocracy had intrenched itself, have been partially destroyed, and individuals, who had obtained wealth by commerce, or influence by talent, have been received into its ranks, thus conferring splendor and strength upon that body, to which they thought it an honor to be admitted. The real property of the country has been rendered the subject of commerce, and a general revolution has become manifest in the jurisprudence of Christendom. But still most of the obnoxious institutions remain. The mass of real property on the continent is placed beyond the reach of commerce, by the great wealth of the privileged orders, and by the independence of the two great landholders, the crown and the church. The nobility still exercise privileges inconsistent with just and equal laws, even when the qualities which elevated them to rank are no longer peculiar to that class, and other requisites are demanded for public men, in which they are still more deficient. In many countries independent and seignorial judiciaries are tolerated; a system of partial and unequal taxation is preva-

lent, and the whole face of society presents the revolting spectacle of the civil institutions in open or secret hostility with the habits and wants of its members. The great spring that has been given to the public mind by the American revolution, and to productive industry by the vast improvements in machinery within half a century, has contributed to place these in still stronger opposition. The undefined and general feeling of dissatisfaction, that slumbered without any specific object, has grown by the operation of these causes, and by the opposition of the advocates of the ancient order of things, into a settled and active hatred against all the institutions originating in the feudal system; until we find the absolute governments in alliance for the purpose of forcibly supporting the establishments that the friends of liberal principles have determined to abolish.

The principles promulgated in the manifestoes of the allied monarchs will draw the line of demarcation between these parties more distinctly. If their conduct, since the downfall of Bonaparte, had not already convinced, these documents must convince every person who values political freedom, that there is no safety for the advocates of liberal doctrines in any corner of Europe, while the league between the continental despots subsists unbroken. This conviction will produce a sympathy and correspondence between the friends of liberty in every country, that must swallow up all local and even national attachments, and lead them to unite against the holy alliance, and may probably bring on the final contest sooner than it would otherwise take place. The war against Spain, and the state papers justifying it, proceed upon the simple *axioms*, that the monarchical branch of the government is the only part that is to be regarded as sacred, that it is beyond the reach of reform, and that all political innovation can rightfully proceed only from the free will and voluntary grant of the sovereign. From these undeniable maxims, as they call them, they draw the corollary, that any violation of them may be punished by the military interference of the adjoining kingdoms, supported by the whole force of the alliance. All pretences of danger to their own quiet from the intrigues of the new rulers are laid aside as unnecessary to disguise their designs, and the plain principle of interference with the political constitution of the country in which the reform has been adopted, on the

ground of an innovation against the royal will, is unequivocally advanced. In this enlightened age, is this monstrous proposition, which heretofore has been scarcely heard of but in the adulatory address of some wretched court parasite, for the first time inserted in the public manifestoes of civilized monarchs, and sought to be engrafted upon the national law of Europe. The allied powers are united to support it, and it must of necessity reduce the liberals in all kingdoms to make common cause against them. The war is waged not against revolutionary Spain alone, but against the free principles of government in that, and through that in all countries. The alliance aims at the destruction of the British as well as of the Spanish constitution, and considers them both as equal nuisances, and to be abated in the same manner, as soon as circumstances will warrant the attempt. That we may not be accused of precipitancy in assenting to this conclusion, we will proceed to lay before our readers the circumstances under which the holy alliance was formed, and to examine the principles promulgated in its official documents, and the acts authorized by the parties to that league.

The first twelve years of this century may be regarded as an era in the political history of the world. The ancient governments of Europe had found the principles of the French revolution too powerful for their means of resistance. Aided and developed by the extraordinary genius and energies of Bonaparte, they had overspread Christendom, shaking the foundation of thrones, paralyzing the strength of the privileged orders, and literally 'with fear of change perplexing monarchs.' The feudal system was overthrown in France, and by its downfall in that kingdom a fatal blow was given to all institutions of the same family in other countries. The invasion of Spain, though unjust and indefensible, was not without some good effects. The inquisition was abolished, together with the commercial monopolies, the unequal and oppressive imposts, and the independent and seignorial courts of judicature. Like a fire that had passed over the country, though it had destroyed vegetation, it had given activity to the soil and purified the atmosphere. The Spanish colonies were affected by the same event, and the destruction of the government in the mother country also severed the unnatural chain which bound them to Europe. The commercial supremacy of Great Britain trembled on the verge of ruin,



and it seemed as if a new and sounder state of things was about to grow out of the convulsions of France and the injustice and violence of the master of christendom. This happy consummation could not indeed be expected, while, in full possession of the resources of his empire and of absolute power, Napoleon went on in his career of usurpation and aggression upon the surrounding kingdoms. When, however, he had met with so severe a check in Russia, and subsequently, by the rising of the German people, had been compelled to retire beyond the Rhine even to his capital, the allied monarchs might have dictated a peace, that should have put it out of his power again to disturb the quiet of his neighbors, while the rights of the French nation were respected. By this course they might have secured the lasting tranquillity of the civilized world. The people of France would have been unwilling to enter the lists with combined Europe a second time, and Napoleon would have been obliged to listen to their entreaties for an interval of repose. The privileged orders and crowned heads would have felt the necessity of respecting public opinion, while the people would have been contented with the great improvement in their political condition ; and the benefits resulting from the partial destruction of the feudal system, would have remained to compensate mankind for the temporary miseries of the French revolution.

But the heads of the coalition seemed incapable of profiting by the great moral and political lessons that had been presented by the events of the preceding twenty years ; or they had acquired knowledge only to misuse it. The demands of the allies were augmented in proportion to the diminution of the power of Bonaparte, until they lost their moderation in the intoxication of success, and undertook to impose a family upon France, which was the abhorrence of the majority of the people, as associated with the burdens that they had shaken off at such an expense of lives and property. From affirming that they had no intention or desire to interfere with the internal concerns of France, they proceeded to declare, when at Frankfort on the Rhine, in December, 1813, that ‘ they would not lay down their arms until the political state of Europe should be reestablished anew, until immovable principles should have resumed their rights over vain pretensions.’ In this document was first displayed a spirit totally different from that in

which they had until then prosecuted the war. The independence of Europe, the unjust violence and grasping ambition of France were not spoken of; but a new proposition was advanced, which could not be comprehended, until explained by subsequent events. On the first of March, 1814, having advanced into France with every prospect of ultimate success, the allied powers entered into a treaty at Chaumont, in which they bound themselves 'never to lay down their arms until the *object of the war, as they have agreed upon it among themselves*, should be fully obtained.' In the fifth article of the treaty they spoke of consulting, in the moment when peace with France should be concluded, upon the means necessary to preserve the peace of Europe. This treaty, which may be regarded as the basis of the present public law, or legitimate doctrines of Europe, was to endure twenty years. For what purpose it was formed, and for what objects additional concert was premeditated, can be understood only by attending to the subsequent acts of the high powers. The object that was obscurely hinted at in the Frankfort manifesto, they deem themselves strong enough to acknowledge when at Paris; and they there declared, that they would not treat with Napoleon, nor with any of his family, and 'that they respected the integrity of France, such as it existed under her legitimate kings.'

This declaration plainly evinced their resolution to deprive the French people of their right to establish their own government, so far as to render the abdication of Bonaparte essential to the peace of his empire. This resolution was plausibly defended on the ground that the inordinate ambition, great genius, and unexampled energies of that man, had rendered his possession of power incompatible with the repose of Europe. Still they cautiously avoided any thing resembling dictation to the French nation of the dynasty to which it must submit. The public mind was not yet prepared for the development of their ultimate designs, and a too open declaration of their principles might have caused a reaction that would have been dangerous in the extreme. The battalions of Bonaparte, though weakened, were not dispersed; the national guards still held their arms, and, in the midst of a brave and armed people, the bare proposal of forcing a constitution and monarch upon them might have roused a spirit that would have proved fatal to the projects of the holy league and restored the fallen

fortunes of Napoleon. Caution was therefore necessary, and duplicity, in conformity to their usual policy, was resorted to. Upon entering Paris, the allied monarchs promised, in the face of the world, 'that they would recognise and *guaranty* the constitution, which the French nation should give itself,' and they invited 'the senate to appoint a provisional government capable of providing for the want of administration, and of preparing such a constitution as might be adapted to the French people.' This guarantee was signed by the emperor of Russia on the 31st of March, 1814, and declared by him to express the intentions of all the allied powers. As it was never disavowed, we may safely conclude that they were parties to and sanctioned this guarantee.

In this manifesto was contained a full and express acknowledgment of the right of the people to alter their political constitution, a right which they had assumed and vindicated in the midst of unparalleled violence and tumult. They now deny the truth of this principle, but this does not destroy the force of their acknowledgment; neither is it invalidated by their subsequent refusal to comply with their guarantee. This may show perfidy and duplicity on the part of the allied monarchs, and that for temporary purposes they could stoop to promise to the people, what they never meant to perform; but the fact, that their guarantee was offered and accepted, demonstrates their acquiescence in that great principle, which they now seek to subvert by policy and arms, viz. the right of the people to change their government. In compliance with this request, a provisional government was established by the senate, and on the 6th of April, 1814, it presented the constitution, which it had formed, to the nation. In that instrument, the right of the people to alter their form of government is expressly asserted. It further stated, 'that the French people call freely, to the throne of France, Louis Stanislaus Xavier de France, *brother* of the *last* king, and after him, the other members of the house of Bourbon, in the ancient order.' In the 29th article, provision is made for submitting the constitution to the people for their acceptance, and Louis was to be proclaimed king as soon as he had signed and sworn to the constitution. He consequently was not to be proclaimed king, before he had performed that condition; and the allied powers, in the character of guarantees, were bound to see that he faith-

fully performed it. Louis the XVIII, who, while these preparations for his restoration were going on, had remained in England, began his journey to Paris, then occupied by the allied armies, neither assenting to, nor rejecting the constitution, but preserving a profound, and, as we think, a deceitful silence, with regard to the form of government, which should be established in France. His brother indeed, who was in Paris, and acting as his representative, encouraged the belief of his approval of the constitution ; but Louis made no public declaration of his opinion on that subject, until he imagined himself firmly established on the throne of his ancestors. As as soon, however, as Napoleon had left France, viz. on the 2d of May, 1814, at St Ouen, Louis issued a proclamation, approving the *basis* of the constitution, but condemning certain articles, which, in their present form, he declared could not be considered fundamental laws of the state. As he could not accept a constitution necessarily requiring revision, he convoked the senate and legislative body to meet on the 31st of May, to examine one, which would then be placed before them. By this declaration, he denied the right of the French nation to frame a constitution for the government of the kingdom ; and he violated the guarantee of that right by the allied powers. It then became their duty to enforce it. Their pledge, (the most solemn that could be given, by monarchs to a people in arms,) was forfeited by supporting Louis upon any other condition, than that of his absolute acceptance of the constitution framed by the senate. They had invited the nation to recall him upon that condition, and had promised to guaranty its performance. The objection of Louis, to the *form* of certain articles, and his promise to present an unexceptionable constitution to the nation, even if sincerely given, were not equivalent to the unconditional acceptance that was promised. But the objection of the king was to the substance and not to the form, and the promise, (if given for any purpose except to obtain time,) was never executed in its proper sense. The constitution of the senate asserted the principles of freedom ; the instrument, framed by Louis, was founded upon the doctrine that ‘the breath of worldly men cannot depose the deputy elected by the Lord.’ In the preamble, he claimed the throne, not as it was offered to him, as successor to Louis XVI, called freely by the French people, but as successor

by indefeasible right to his nephew, Louis XVII. He degraded the constitution into a charter, prefacing his grant with an assertion, that, in France, all authority resided in the person of the king. After proving by history, the degraded condition of the French people in former times, and declaring that they owed their present immunities to the generosity of their sovereigns; and deducing from these premises the necessity of preserving the royal power and prerogative, he concluded with 'granting, conceding, and releasing,' (in the form of a deed at common law,) 'to his subjects, the privileges contained in the constitutional charter.' It is unnecessary to point out the differences between the charter and the constitution of the 6th of April. The two instruments rest upon different principles, and all comparison would be useless. One provision however may be quoted, as a specimen of the whole. By the constitution, either legislative body was enabled to propose laws, excepting for contributions; by the charter all laws originated with the king.

What excuse, but that of increased power, can be urged for this breach of faith on the part of the allied monarchs? It certainly cannot be pleaded in justification of their inattention to the conduct of Louis, that it was a matter concerning the internal government of France, with which they had no right to interfere, and that when once on the throne, his subjects and he should have decided their differences without a foreign arbitrator. Of this subterfuge they have deprived themselves, by their interposition after the return of Napoleon from Elba. Their right to interfere was claimed under the capitulation of Paris. The committee of the congress of Vienna, in their report of May 15, 1815, put it solely upon that ground. They considered the French nation as a party to that capitulation, and that their conduct, in recalling Bonaparte, was a violation of that treaty. If that treaty was binding upon the French people after the return of the Bourbons, it was binding upon the allies, and their solemn guarantee of their right to form their own government subsisted in its full force, unaltered by the restoration of the ancient dynasty. Interference in behalf of the people was as justifiable as interference in behalf of the monarch, and that they did not comply with their guarantee, while they did compel the French nation to perform its part of the capitulation, only proved their total indifference to prom-

ises or principles, except as they conduced to the establishment of a despotic system of government. It was not a little remarkable, that whilst the allied powers were declaring their intention of not interfering in the domestic affairs of France, they considered the French people as distinct from their government,—so much so, that the former was regarded as a party to, and bound by a treaty to which the latter never assented, and a war was waged against the nation for its infraction of that treaty, while the invaders were in alliance with the government. This inconsistency displayed in a striking manner their unprecedented violation of public law, and how hard it was for them to reconcile their conduct with any known and acknowledged principle. It is however partially explained by a little circumstance, to be remembered not only as affording the key to this mystery ; but also as indicating a division between the allies, and the disposition of the British government to return to a wise and more liberal policy. When Napoleon, by his return from Elba, had deranged the views of the coalition for the pacification of Europe, the powers assembled at Vienna declared him an outlaw, and announced their determination to maintain the treaty of Paris, and to guard against every attempt to replunge the world into the disorders of revolution. Twelve days subsequent to this declaration, viz. 25th of March, 1815, the ministers of Great Britain and the monarchs of Austria, Russia, and Prussia, entered into a new treaty, ‘to apply to the invasion of France the principles of the treaty of Chaumont, to preserve the order of things so happily established in Europe, to maintain the treaty of Paris, and the stipulations determined and signed at the congress at Vienna.’ They consequently agreed not to lay down their arms, until Napoleon should have been rendered absolutely incapable to create disturbances, and to renew his attempts for possessing himself of the supreme power in France. In the last article, his Most Christian Majesty was invited to accede to the treaty, and to make known what assistance circumstances would permit him to give in furtherance of its objects. Whether it was that the British court was apprehensive, from the unanimity and exulting gladness with which Napoleon was received by the French nation, that the war would be interminable ; or that the house of Brunswick at last saw that it was about condemning the title by which it held the British crown, we are unable

to decide. It however took a distinction, which would have enabled it either to conclude peace without inconsistency, or to defend its title to the throne of Great Britain without being embarrassed by its own acts. In exchanging the ratifications, the British minister declared that 'the article inviting his Most Christian Majesty to accede to the treaty,' was not to be considered as binding his Britannic majesty to prosecute the war with a view of imposing upon France any particular government. 'However solicitous,' the declaration went on to say, 'he might be to see his Most Christian Majesty restored, and to contribute with his allies to so auspicious an event, he deems himself called upon to make this declaration, in consideration of what is due to his Most Christian Majesty's interest in France, and in conformity to the principles from which the British court has invariably acted.' To this explanation, the Austrian ambassador assented as expressing the sentiments of his master, probably thinking a slight contradiction between professions and actions, to be preferred to a difference with Great Britain, the purse-bearer of the alliance. While the representatives of the allied powers were acting this farce at Vienna, the duke of Wellington, the commander of their armies, was marching upon the French frontiers, and in a simultaneous proclamation to the French people, manifested the hollowness and hypocrisy of their professions. In that manifesto he declared, and the expressions are worthy of remark, 'that henceforth Europe, united and moved by the same interest, must form but one power, and the sovereigns a supreme corporation, upon which will be raised the solid pedestal of the peace and happiness of nations. The rights of the monarchy will attain all from this august senate and be confirmed in its solemn acts. The name of Louis XVIII, is inscribed in this federal compact. The allied sovereigns placed him on the throne of his ancestors, and proclaimed the reign of the Bourbon family, until its extinction, over the French people. *They now take up arms to restore and confirm* that dynasty, to support the cause of kings, to consolidate the government, to secure the repose of mankind, and to give an imposing example of sovereign authority to all mankind.' The same sentiments were reiterated in the proclamations, dated March 18th, and April 8th, 1815, signed by all the powers at Vienna. In these public papers, the mask of respect assumed by them, for the independence of France, is

thrown off. They avow that the violation of the capitulation of Paris was their own act, and not that of the adherents of the Bourbons, and they declare their determination, again to disregard their guarantee, while they insist on the compliance of the French nation with its part of the treaty.

The battle of Waterloo decided the contest in their favor. The Bourbons were again restored, and with more marks of violence and conquest than before. The allies avoided giving any pledge to observe the rights of the nation, and the legislature adjourned, after protesting that they yielded to superior force, and that the independence of the country was violated. As if there were not sufficient marks of their utter disregard of their pledged faith, and of the explanation given at the exchange of the ratifications of the treaty of March 25th, 1815, the allies entered into a new treaty at Paris, Nov. 20th, 1815, in which they agreed 'for the purpose of *maintaining inviolate the royal authority*,' to station 150,000 troops on the frontiers, and within the fortresses of France, for the space of five years; unless 'the allied sovereigns, at the end of three years, should, in concert with his Most Christian Majesty, agree to acknowledge, that the motives which led to that measure had ceased to exist.' In this military occupation of France, the revolution ended. The popular party was overcome by an overwhelming force, and Louis le Desiré was placed upon the throne of his ancestors, and there maintained, by the armed legions of the alliance. To this moment, however, a pretence of public good was held out as the motive to their conduct. Whatever may have been their real intention, as to the conclusion to be drawn from the restoration of hereditary monarchy in France, the act is glossed over with fair professions of zeal for the welfare of mankind, and of the necessity of suppressing principles dangerous to the existence of social order, and afterwards of the necessity of disarming an individual, whose ambition and genius rendered his possession of power fatal to the repose of Europe. These principles, though perhaps their applicability depended upon the unnatural and unsound structure of society in the old world, still were not easily controverted by statesmen living in that society, and defending the permanency of the ancient establishments. Although the abuses of the feudal system, and the disproportionate privileges of the nobility in the continental monarchies, afforded materi-



als for the contagion of revolutionary principles ; or even for the military conquests of Bonaparte, directed by his genius, and maintained by a system better adapted to the wants and nature of modern society ; still to these courts struggling for existence itself, the revolutionary excitement in France, or the continuance of Napoleon at the head of his empire, seemed more than a pretence for their interference in the domestic affairs of that kingdom. The extent and immediateness of the danger prevented men from putting to the test the correctness of the principles which governed their conduct. But when Napoleon was imprisoned in St Helena, and Louis was securely seated on the throne of his ancestors ; and particularly when, in 1818, the allied powers at Aix-la-Chapelle declared that ‘they recognised with satisfaction the order of things happily established in France by the restoration,’ this pretence no longer existed, and the general rule, that any interference with the internal government of a country is an attack upon its independence and a violation of the laws of nations, assumed its original force. The grounds upon which the exceptions had been justified were annihilated, and the ordinary maxims of national jurisprudence were restored to their usual active operation. Such, however, was not the intention of the members of the holy alliance. They had seen the extension of liberal principles ; they had witnessed the progress of intelligence in modern Europe, and they feared its operation upon their subjects. They knew that an augmented activity in the public mind would cause the overthrow of the political institutions of their own kingdoms, as it had done those of France, and in their several assemblages they adopted and matured measures to arrest the march of political innovation. It is impossible to doubt this, when we look at the simultaneous acts of the allied monarchs to promote that object, and advert to the fact that these were adopted shortly after a general congress had been held. Upon the return of his Prussian majesty from Paris, namely, on the 3d of January, 1816, a decree was published, suppressing certain political journals and restricting the liberty of the press. The sacred alliance was acceded to by the king of the Netherlands, June 21st, 1816, and in the month of September following, a law was proposed by the king to the legislature and approved by that body, prohibiting any discussion upon the nature or character of any foreign govern-

ment. In France, the press was already under the inspection of the police, but in 1817 a law was passed imposing upon it further restrictions, and on the 30th of December, in that year, all political journals were suppressed by law until the end of the legislative session in 1818. These measures not only evince the hostility of the members of the alliance to a free press, that great engine of political reformation, but a settled and concerted plan to suppress all attempts at innovation by their joint efforts. They had experienced the advantages of acting in concert against their disaffected subjects, and at Aix-la-Chapelle an agreement was formed, to which France acceded upon the invitation of the original parties. By this agreement, Austria, Great Britain, France, Russia, and Prussia, 'after having investigated the conservative principle of the great interests, *which constitute the order of things* established in Europe by the treaty of Paris of May 30th, 1814, the recess of Vienna, and the treaty of peace of 1815,' declared, 1st, that they would preserve the principles of intimate union, which had hitherto decided with respect to all their common interests and relations, &c. 2. That their union should have for its object only the maintenance of general peace in conformity with those treaties. 3. That France, associated with the other powers by the restoration of legitimate monarchy, engaged to concur in the maintenance and consolidation of a system which has given peace to Europe and assured its duration. 4. For the purpose of attaining that object, future meetings of the allied powers were provided for, to which the contracting powers were to be invited; but if the affairs of any other state were to be brought before the meeting, that power should be invited to attend and participate in the debates relating thereto.

This combination of monarchs at this time began to assume the form it was originally intended to take; but which circumstances had until then rendered unnecessary. It was to be continued upon a new principle. Not as before, to suppress any particular danger, or to oppose any particular government, but to guard against indefinite dangers which might exist,—to act as a sort of precautionary, supervising police.

We might here condemn this measure as creating an unprecedented tribunal, without any apparent or real necessity; inasmuch as the allied powers did not intimate that any existed,

or that any new revolutions were to be apprehended. But this would be shutting our eyes to the evidence before us. Revolutions were to be expected ; but the allied monarchs could not allude to their apprehensions, without exposing the causes of the universal desire of change. If they had said that the alliance was formed against the revolutionary spirit of their own subjects, the inquiry would have presented itself, 'What is the cause of this spirit?' and the public mind would have reverted to the arbitrary laws and despotic systems of government in their several kingdoms ; the promises of those monarchs to reform their political constitutions, and the violation of those promises, when the danger which had extorted them had passed away. They therefore resorted to a new combination, under the pretence of subserving the interests of religion and morality ; but, in reality, to guard against the reformation of their governments, and, if possible, by united and simultaneous efforts to stay the progress of improvement. To further this great object, shortly after the dissolution of the congress at Aix-la-Chapelle, laws were adopted in several of the continental kingdoms, having in view a still greater restriction upon the liberty of the press. On the 14th of October, 1819, a decree was issued establishing a literary censorship for the kingdom of Hanover. On the 18th of the same month, his Prussian majesty promulgated a decree to the same effect, and at the same time the German confederation passed a law, by which all periodical publications were subjected to a previous censorship. Other restrictions upon the press were imposed, the universities within the confederation were put under supervision, and professors who did not teach political doctrines suitable to the views of the aristocratic party, were to be dismissed from employment. The Prussian court adopted the same principles in a circular to the foreign agents of that kingdom, and the object of this supervision was in that paper said to be, 'to prevent young men from preparing for a life at once learned and active,—from becoming what they ought not to be.' This was, in other words, expressing the fear of that party, of the operation of intelligence upon the minds of those, who, by their activity, obtain influence in society. To cooperate with those decrees, a central committee was appointed to meet at Mentz, to inquire into all revolutionary movements or associations. The same year the French

government adopted some new regulations respecting the press, which, in 1820, were so modified, that the editors of the liberal journals retired from the exercise of their duties, declaring that under those laws their labors could be of no service to the public. In Poland, notwithstanding the constitution guarantied the liberty of the press; every publication, whether periodical or not, was subjected to the inspection of a royal censor, by an ordinance of the Russian emperor, of July 16th, 1819. These simultaneous acts, all tending to the same object, prove them to have been the result of a well digested and unanimous resolution. They shew the efforts of the allied monarchs to have been directed to the achievement of one great end, namely, to extinguish the desire of innovation, perpetuate the old system of arbitrary government, intrall the human intellect, and chain its freeborn spirit to the footstool of legitimate monarchy. But while their attention was occupied in those kingdoms wherein they suspected revolutionary principles to be most prevalent, the reaction upon their system commenced in the south of Europe, and they found new difficulties springing up at the very moment when they had supposed their end to have been accomplished. In the beginning of 1820, the troops that were assembled at Cadiz for the invasion of South America, being badly fed and clothed, and worse paid, revolted, and declared that they would not embark, and also that their arrearages should be paid. The people immediately took advantage of this disaffection among the military, and simultaneously throughout Spain proclaimed the constitution of 1812, which, on the 6th of March next following, the king, being without support, found himself obliged to accept. How this constitution was formed, and how it was overturned upon the return of Ferdinand from France, will be mentioned in another part of these remarks. At present we must confine ourselves to the relation of events. On the 1st of July the Neapolitan army followed the example of the Spanish troops, and proclaimed the Spanish constitution of 1812; Naples having been formerly united to the same kingdom. On the 6th of July Ferdinand, the old king of Naples, abdicated, and his son Francis, who succeeded him, assented to the constitution, saving what modifications a national representation constitutionally convoked might propose. On the 20th of August a similar revolution took place in Portugal. A

constitution was to be formed by the cortex, and the king was proclaimed as the constitutional monarch. These events soon attracted the attention of the self-constituted guardians of Europe. But instead of concluding from this general dissatisfaction evinced towards existing governments, that there was something faulty in their constitutions, or that they were unsuitable to modern societies, they determined to afford them their most efficient support. A forcible opposition was therefore organized to these reformed governments, not because they threatened the political existence of the neighboring kingdoms, or by their excesses disgraced the cause of freedom, but because the established order of things was invaded; or as it was declared in the Laybach circular, subsequent to the Neapolitan war, ‘because every change, which does not solely emanate from the free will—the reflecting and enlightened impulse of those, whom God has rendered responsible for power, leads to disorders more insupportable, than those which it pretends to cure.’ The emperor of Austria, being special guardian of Italy according to the new system, took measures to summon the allied monarchs to a congress, and in the month of October 1820, they met at Troppau. On the 28th of December, they issued a circular in which they declared that ‘the principles which united the great powers of the continent to deliver the world from the military despotism of an individual issuing from the revolution, ought to act against the revolutionary power which has just developed itself. Without doubt,’ it continued, ‘the powers have the right to take, in common, general measures of precaution against those states, whose reforms engendered by rebellion are opposed to legitimate government. In consequence the monarchs assembled at Troppau have arranged together the measures required by circumstances, and have communicated to the British and French courts their intention of attaining the end desired by mediation or force.’ Lord Castlereagh (and certainly he was not a statesman to be shocked at any slight infringement of popular doctrines) was unable to assent to the principle asserted in this circular. On the 19th of January, 1821, the British court issued its protest against any such interpretation being put upon the general treaties, to which the allies had referred as sanctioning that principle. This protest contained the following sentence, which not only more strongly marked the dif-

ference first manifested at the ratification of the treaty of Vienna, but pointed out the cause of that difference. 'The British court regard all interference with the internal concerns of a foreign government, as an exception to principles of great value and importance, and never to be so far reduced to rule as to be incorporated in the law of nations.' This single sentence shewed a radical difference between the policy of the court of St James and that of the Holy Alliance. While, however, it refused to join in the crusade against Naples; it fully admitted that Austria and her associates might engage in it with a view to their own security. The protest, though asserting an established principle with manly force, closed with certain professions as to the pure intentions of the allies and of their right to interfere, provided the internal commotions of Naples threatened the tranquillity of their dominions, which could not be regarded otherwise, than as an implied approbation of their conduct towards Italy. The Austrian troops were consequently put in motion, and in one short campaign annihilated the popular party in Italy. As if, however, fate had determined that the deceitful professions of the combined despots for the independence of other powers should be exposed, and their true designs fully developed, it so happened that in the midst of the Neapolitan war, a revolution broke out in Piedmont, against which the Austrian forces were immediately directed, as if they had been the ordinary police of Italy, and this a common breach of the peace. No consultation was had with regard to this revolution; no invitation was given to the government of that kingdom, in conformity with the fourth article of the Protocol of Aix-la-Chapelle; nor was there any delay to ascertain if the domestic disturbances were likely to extend to other countries; but the Piedmontese territories were immediately invaded and the new government overthrown, by the unsolicited interference of the foreign allies of its sovereign. With the suppression of the revolutionary spirit in Italy, they appeared to be then satisfied; but in the Laybach circular, in which they justified their conduct, and appointed a time for another congress to assemble, the same alarming principles of interference with the internal concerns of other countries, are reiterated and maintained as incorporated in the public law of Europe, and the allies declare that 'they will regard as null and contrary to the law of na-

tions, all pretended reform effected by revolt and open force.' Though this declaration might well be considered as a direct attack upon the Spanish and Portuguese revolutions, and indicative of more energetic measures to be pursued at some subsequent period, still, as no immediate steps were publicly taken by the high powers to carry their resolutions into effect, it was generally supposed that Spain and Portugal would be protected from such unauthorized interference, if not by the law of nations, at least by the dread of their power. The great monarchies of Europe were not to be treated in the same uncereemonious manner as the petty states of Italy. In the case of Spain, too, there were some peculiar circumstances, which strengthened her claim to exemption from the special superintendence of the allies. By their peculiar religious and national prejudices, and by their almost insular situation, the Spanish people had been in a great degree separated from a considerable part of the European family. Their spirit of national independence had often rendered them invincible, and history afforded the holy alliance some striking lessons on the danger of invading a gallant and haughty people, in a mountainous country. For three hundred years that nation resisted the gigantic power of Rome. The Saracen hordes, that overran the country, could not subdue it. Though outnumbered, the Spaniards resisted, and after the lapse of centuries drove the Moors back to their own country, and the

'Castilian mould,  
Incapable of stain, at last expelled  
Her mischief and purged off the baser fire  
Victorious.'

It was in the Peninsula too, that the first effectual resistance had been made to the power of Napoleon. The rest of Europe had submitted after a long struggle to his authority and acquiesced in his continental system. The old king of Spain acted but as his deputy. By his orders the best portion of the Spanish army had been transported to the Danish islands in the Baltic, and the French troops had been admitted into and occupied some of the most important cities of the kingdom. Charles IV, (whose abdication, it should be recollected, though caused by a revolt of his subjects, was sanctioned by the congress of Vienna,) and Ferdinand, his son, who was in possession of the crown, had agreed to

submit their disputes to the decision of the French emperor, and had placed their persons and their courts in his power. While in France, Ferdinand was induced to abdicate, possibly by motives similar to those of his father, and after his abdication he sanctioned the transfer by Charles of the Spanish crown to Bonaparte. Here then was a full and entire release of his subjects from their allegiance. If papers, and charters, and releases, are to be substituted in the place of principle, that release would have acquitted the people of Spain, even if they had adopted Joseph for their sovereign. Charles IV, influenced by personal fears of the violence of his subjects, then in open revolt against their monarch, had abdicated in favor of his son. This abdication he disowned, when those fears were removed, and transferred all his royal rights, and those of his family, to the French emperor. To this transfer Ferdinand assented. Whether this assent was extorted or voluntary is unimportant, inasmuch as his father being restored to the exercise of his free will, and no longer influenced by the terrors of a tumultuous crowd, had voluntarily abdicated in favor of Napoleon; and if the people of Spain had not denied the right of their king to alter the constitution, the transfer would have been executed. Ferdinand and his court were without energy, and had submitted to fate; and the Bourbon dynasty would have been at an end in Spain, and possibly in Europe, if the Spanish people had not taken the management of their public affairs into their own hands. Unsupported by allies; without arms, money, or leaders; in presence of the French legions, who occupied the best part of the kingdom, and in defiance of the might of the most powerful monarch that ever swayed a sceptre; the Spanish nation resolved to vindicate its independence, and the title of the heir to the crown, or as it was expressed, in contempt of the doctrines of the holy alliance, the right of Ferdinand to succeed, in the life time of his father, to the crown, to which he was called by the voice of the nation. The indignation of the whole body of the people was sufficient to animate them to endure the first brunt of Napoleon's power; but to excite and support their courage during a long and bloody struggle, with so powerful a foe, it was necessary to present some other motive besides the wrongs of Ferdinand. The insult to the national honor, though keenly felt and warmly resented, would in time have been forgotten. Men will not wage an eternal war for a point of honor, and it



was feared, that the people would soon see that it was only a change of masters, and that their old dynasty did not deserve so great a sacrifice as they were about to make for it. Besides, by the abolition of the inquisition, the sequestration of its property, the diminution of the number of monks and monasteries, the establishment of a national judiciary in the place of the seignorial courts, and by the reformation of the financial system, the new dynasty was conferring benefits upon the nation that would have soon wiped away the odium of its usurpation. The successes of the French, and the distress and want of union among the Spaniards, were not without effect ; and the patriot cause would probably have failed, if, for the purpose of uniting the nation, enlisting all on the side of its independence, and giving to the people some motive to resist, at the suggestion of the Marquis of Wellesley, the Spanish junta, (which had assumed the executive functions,) had not authorized the meeting of the cortes for the purpose of giving a better government to the kingdom.

This body was well known to the Spanish nation as its supreme and extraordinary legislature. Under the different names of *concilium*, used by Gothic legislature ; of *curia*, the term by which it was known during the twelfth century ; and of *cortes*, first assumed under Ferdinand the third, it had been a constituent part of the government ever since the fall of the Roman empire. Laws were usually passed in the king's council ; but the cortes was entitled to be called together and consulted on all extraordinary occasions ; and if any could ever be deserving of that epithet, it was when the royal family was treacherously withdrawn from the kingdom, the soil invaded, and the people looking for leaders to direct their efforts against those who sought to subvert their independence by fraud and violence. The powers of this body, and the mode of calling it together are not well defined ; but sufficiently so to show, that it had not exceeded its authority in framing the constitution. Like all the European constitutions, the Spanish was a collection of precedents from the history of the nation. The king and the legislative body claimed to do whatever had been done before by any of their predecessors ; and enough of contradictory precedents might have been found during the past ages of violence and ignorance, to authorize almost any exercise of power, by either branch of the government. The cortes, however, was entitled to very great

authority from the earliest history of Spain. It had often sat in judgment upon the sovereigns of the nation. Ramiro III, queen Urraca, and Henry IV, were severally deposed by this body, and when the Pope sent his legate to restore the last named monarch to his throne, one of the nobles in the true spirit of Castilian freedom, told him in full assembly, that 'he and the nobility of the realm would depose a king on just causes, and set up such as they thought suited to the public good.' It also held the public purse, until the discovery of America gave other means to the king, by which he was enabled to dispense with the cortes. A body possessing such transcendent powers, in such an emergency had an undoubted right to alter the constitution. No royal consent or formal charter could make such an alteration more binding. To say nothing of the inherent right of the people to consult their own safety, the most obvious rules of European politics justified, and the laws of necessity commanded, that course. No objection could be made to the manner in which the cortes was assembled, as Ferdinand had by a decree of May 5th, 1808, authorized any council or audience at liberty to summon the cortes. In 1810 the members met in the Isle de Leon, and after much unnecessary debate formed the constitution of 1812. It was popular, and did in fact redress many of the grievances which had weighed so long and heavily upon the Spanish nation. With the hope of obtaining something like the common privileges of men, and a melioration of their political condition as held out to them by the cortes, this gallant people, with British aid, resisted the power of Napoleon, until, by his reverses in the North of Europe, he was compelled to withdraw his troops from Spain, to release Ferdinand, and restore him to his devoted subjects.

With the government thus formed, Great Britain and Russia did not think it unlawful to enter into an alliance; England, at the commencement of the Spanish war, and Alexander when Napoleon had invaded his territories and threatened his subjugation. At this juncture no doubts were entertained by the Russian court of the legitimate formation of the government, or of its power to do all the acts of a sovereign authority. It had declared war, formed alliances, altered the constitution, and meliorated the social condition of the common people, in order to secure their affections, and to confirm and

animate them in their resistance to their invaders ; and while these things were done to resist the power of revolutionary France, no objection was made to their right so to do. But when Ferdinand had recovered his freedom, and was restored to his hereditary crown, which had been preserved to him only by the energy of the Spanish liberals, and the courage of the populace, (for the Spanish courtiers succumbed to the French,) the scene was changed, and principles operated in another manner. The constitution had been adopted in the absence of the king, and of course (according to the doctrine of the holy alliance) without any legitimate authority, and it depended upon him, when he resumed the reins of government, to sanction or disallow it. His intentions on that subject were not long doubtful. After leaving Paris, Ferdinand, carefully avoiding the Atlantic frontier of Spain where the English troops were stationed, took a circuitous route for Valencia, where he staid nearly a month, probably arranging measures with his monarchical allies. On the 4th of May, directly after the departure of Bonaparte for Elba, and simultaneously with the rejection of the constitution of France by Louis, Ferdinand, with the concurrence of his courtiers, and supported by a powerful army, issued a proclamation annulling the constitution, dissolving the cortes, and proscribing that party, by which the privileges of his family and the national independence had been so nobly vindicated. It is a fact worthy of note, as indicating the interest which the Bourbon family in France took in the destruction of the popular party in Spain, that during this interval of suspense, the French journals were filled with paragraphs abusing the leaders of that party, and intimating that they had determined to rebel against the king. After this explicit declaration, Ferdinand proceeded with great vigor in the royal regeneration of his kingdom. His first care was to regulate the press, which was done by an edict of the 12th of the same month. The editors of the *Redactor*, and the *Conciso*, who had with the greatest energy maintained the cause of their country against Napoleon, were arrested and subsequently sentenced to the galleys for ten years. The church property was restored. The inquisition was reestablished, and united more strongly to the crown. The seignorial courts were reorganized. The council of the Mesta was reinvested with the power of ordering the merino flocks to traverse

the kingdom, to the great detriment of the agricultural part of the community ; and all the odious abuses of the ancient government were reestablished in their former vigor. The principal members of the cortes, the patriot generals and their supporters were thrown into prison, to the number of more than four thousand, and the galleys, castles, and dungeons, the garrotte and inquisition, were all put in requisition to punish those, who had been so audacious as to assert the independence of Spain for the sake of the nation, and not for the sake of the king alone. To such an extent was this system of proscription carried, that the prisons, not being sufficient to contain the victims of royal vengeance, a Franciscan convent was converted into a state prison, and many persons sought refuge in other countries.

This persecution was not quietly submitted to. After the return of Ferdinand, scarcely a year passed without some serious rebellion. Although the joy, felt in the national triumph over the French, and in his rescue and restoration, afforded him the best foundation for great personal popularity, so disgusted were his subjects at his ingratitude and tyranny, that within four months after his return, the provinces of Navarre and Andalusia were the seats of revolt ; and to prevent the extension of disaffection, the government were compelled to send troops into the provinces of Estremadura, Arragon, Castile, Catalonia, and Valencia, and permanent councils of war were established in each province for the immediate trial and execution of persons arrested. The subsequent insurrections of Mina, Porlier, Lacy ; those at Barcelona, Valencia, Cadiz ; the partial commotions in other parts of the kingdom ; and the general insubordination, all indicated a settled and permanent dislike to the anti-constitutional measures of Ferdinand, by no means inferior to that first excited. Whilst this dissatisfaction was increasing, the government was losing its official and natural strength, by an imbecility and mismanagement on the part of its ministers, only to be equalled by the ingratitude and tyranny of its head. The navy dwindled to a shadow, the army badly fed, paid, and clothed, and the finances in such a state of disorder as to be inadequate to defray the ordinary expenses of the municipal department, all showed the royal government to be hastily tending to dissolution.

Such was the state of affairs in 1820, when the constitution

of 1812 was reestablished, that constitution which had been formed to remedy the most deplorable condition to which a civilized country had ever been reduced. From being the most powerful kingdom in Europe, Spain had become the weakest. With a fertile soil and delicious climate, it was the abode of famine. With the mines of Mexico and Peru at its disposal, it was poor; and it possessed the monopoly of the most fertile and largest colonies in the world, without having either commerce or manufactures. Its rulers seemed to study political economy only to contradict its precepts by their practice, and the efforts of government were solely directed to brutalize the intellect and paralyze the energies of its subjects, and to impoverish and depopulate the country. Neither did the honor of Spain receive more efficient protection from its proper guardians, than its political prosperity. While the other monarchs of the continent were the helpless victims, or reluctant instruments of Napoleon, Charles IV. became his willing agent. The soldiers, navy, and wealth of the kingdom were employed in increasing the preponderance of an already too powerful neighbor. The strongest frontier of Europe was passed, and the impregnable fortresses of Spain were surrendered without resistance; and the whole court, the old king and new, the weak father and usurping son, with their attending nobles, from a state of freedom, and while their fertile colonies offered them an ample empire and a secure asylum, went to Bayonne to place their persons and fortunes in the power of the French emperor, with the same weakness and irresolution, with which the inferior animals yield to the fascination of a rattlesnake. Was there not, in this state of things, a sufficient justification of a new organization of the government? Even if the royal family had been on the throne, a revolution would have been justified by the destruction which threatened the nation from the maladministration of the government. But in its captivity the circumstances altogether form a defence of the conduct of the cortes and nation, in the adoption of the constitution, that places it beyond the reach of censure or doubt. To deny this proposition would be to contend, that the nation was bound to acquiesce in its own destruction; unless the king was in a state to command it to act with a view to its safety. The whole theory of government would be overturned, and its great object, the welfare of the subjects sacrificed for the benefit of the rulers.

Such in truth is the essence of the principles of the holy alliance. Government is by its leaders considered as established for the benefit of the privileged orders, and the people are never to be mentioned, except when it is necessary to invent an excuse for some new encroachment upon their rights, or some violation of public law. Thus, under the pretence of guarding them from themselves, they are to be debarred from all interference in their government, and all reform proceeding from a popular quarter is to be opposed and crushed by foreign powers, lest the happiness of the subjects should be disturbed by revolutionary excitement. Any revolution to extend the royal prerogative may be tolerated, but one having popular rights for its object is illegal. In what, excepting in the party to be benefited by the change, did the overthrow of the constitution in 1814, differ from its reestablishment in 1820? The army, in both instances, was the immediate instrument. Then, we ask, had Ferdinand upon his return from a captivity, from which he had been redeemed by the valor and perseverance of his subjects, a greater right to overthrow a constitution with which they were satisfied, than they had to reestablish it, when that was the only way to the regeneration of their sinking government? What gave him the right to disapprove of that constitution? He had it not as heir apparent to the crown. The heir only succeeds to the right of his ancestor, and Charles then living as monarch of Spain could *grant*, according to the principles of the legitimate party, a charter to his subjects; a charter, too, not to be violated by his successors. During the life of Charles, therefore, the disapprobation of his son could not annul the constitution.

But it may be said, Ferdinand was king of Spain by virtue of his father's abdication. This abdication however was caused by a popular commotion and it was void, according to the doctrines of the holy alliance, as the abdications of the kings of Naples and Sardinia had also been considered. The people in 1808, finding the public affairs mismanaged, through the fondness of the old king for Godoy, rose tumultuously, and, to prevent them from proceeding to extremities, Charles abdicated in favor of his son. This change in the government was sanctioned by the congress of Vienna, and the continuance of Ferdinand on the throne was 'constituted part of the order of things' at the general pacification. Ferdinand there-

fore owed his throne first to the will of his subjects, and subsequently to their courage ; and it must be granted that the power which first gave to him his political authority, might, under like circumstances, either wholly deprive him of it, or so limit it, as to promote the public welfare. Besides, the great justifiable causes of a revolution still existed. The situation of Spain in 1820, was, if possible, more deplorable than in 1808. The public and private distress was greater. The colonies which, at the time of his accession, were attached to the mother country, were forever separated, and the resources and armies of the kingdom were squandered in ill directed attempts to reduce them to submission. The navy was no more ; the finances were in the greatest confusion, and with all these causes of complaint, the people were goaded to desperation by the tyranny of the inquisition and the government, and their indignation was roused by the unmerited persecution of the most distinguished leaders and gallant generals of the patriot party. If then the revolution which placed Ferdinand on the throne was not contrary to the public law of Europe, much less was that of 1820, which limited his authority and directed its exercise to the promotion of the public prosperity. It was to restore a constitution lawfully established and generally acknowledged ; but which had been overthrown by the illegal violence of the military and of their ungrateful sovereign. We have been thus particular in the history of the Spanish revolution, that our readers might fully understand the grounds upon which the contest rests, and that it is for no other object than to strengthen the arbitrary party. The indefeasible right of the monarchical part of the government is no more sacred in the eyes of the alliance, than any other principle, except as it contributes to effect this great object of their combination. Those kings who had not entered into their designs, were treated with as little ceremony as the popular party. If the royal right be indefeasible, it is equally so to a part of the kingdom as to the whole. Yet Norway was wrested from the king of Denmark by the allies, in violation of that right, and part of Saxony shared the same fate. These facts prove that their peculiar regard for the monarchical principles was only a pretence ; but the Spanish revolution was a peculiar and striking instance, which at once illustrated the nature and extent of their designs. With that revolution the alliance finally deter-

mined to interfere, and France was deputed to restore the ancient order of things, inquisition and all. This appears by the St Petersburg Imperial Gazette of June 12, 1823, where in one of the half official papers of the Russian court, it is asserted, that France acts in behalf of the alliance, by the invitation of that body, as Austria did against the Neapolitan and Piedmontese revolutions; and the inquisition is spoken of as one of the pillars of the Spanish monarchy. In justification of this attack upon the independence of a powerful kingdom, it was not even pretended, that the Spanish revolution had been attended with those massacres, which roused the indignation of mankind against the Jacobins of France; and the charge that the Spanish liberals were instrumental in exciting commotions in that country, has been so fully disproved in a late number of the *Edinburgh Review*, and was so faintly urged and at such a period of the negotiation with the Spanish government, that it can only be classed with those pretences, with which the members of this alliance have so often sought to disguise the real motives of their measures. But in this age such reasons can neither justify those who allege them, nor deceive the world. The British court has become convinced of the unhallowed designs of its allies, and in the late diplomatic correspondence at Verona has manifested its determination not to sanction their proceedings. All enlightened and unprejudiced men seem to be now satisfied by the manifestoes delivered to the Spanish Court by the ministers of the allied powers, and by a thousand other simultaneous and kindred acts in other parts of Europe and towards other nations; that a combination has been formed by the three Northern courts, aided by the Bourbon parties in France and Spain, to preserve by force the ancient order of things from reformation; and by subjecting the press to the authority of government, by supervising the universities, by the exile and proscription of the friends of liberal principles whenever they appear, by the reestablishment of the inquisition in Spain, the erection of a central commission in Germany, and augmenting the strength of the police in other countries, to extirpate the apparent causes of all revolutionary excitement; or in other words, to poison, at the fountain head, the streams of political intelligence and improvement.

This is the unholy enterprize in which these statesmen have



embarked. From their elevated stations they have foreseen the dangers which threaten their authority; and instead of yielding to the manifest will of society, they have arrayed themselves in opposition to it. The spirits of tyranny and bigotry have been awakened by the events of the last thirty years and are rallying all their forces in support of the ancient establishments of Europe. A numerous and powerful party answers to the summons. It has possession of the armies, the police, and the finances of the continent; but it is opposed by what ever has been and ever will be irresistible,—the spirit of the age. The increase of knowledge is constantly impairing the strength of this party, and augmenting that of the popular party. The abuse of their authority has rendered the mass of the community hostile to its leaders. Great Britain has deserted them, and they must fail in their attempts. Spain may be conquered by her own divisions and by the armies of France, (though we trust a different fate awaits that kingdom)—the noble and generous patriots of humanity may be more than once defeated and trampled down by the legions of the combined despots; but the great cause of freedom will go on, gaining strength and diffusing happiness, until its triumph shall be consummated in the general melioration of the political institutions of the old world. Its martyrs leave examples of more efficacy than all their exertions while living, to animate and encourage their associates. The generous blood of those heroic men, who testify their devotion to the cause of mankind upon the scaffold or in the field, does not sink into the ground, as water spilt in the desert; but fertilizes and invigorates the soil of freedom, and in due season, like the teeth of the Bœotian Dragon, will spring up in a harvest of armed men. The infant minds of the active and enthusiastic, who, by their inborn talent and courage, are destined to lead their contemporaries, the nobility of God's creation, are deeply impressed with the great example, and thirst to imitate it; and whilst the institutions of society press so harshly upon the manners of the age, and militate so strongly against the most valued principles, they never will be without a motive to action. All the improvements of modern times; the manufacturing, mechanical, and scientific arts; the literary institutions; the interests of commerce; and, more than all, the free institutions of this republic, are indirectly opposed, and are constantly raising up enemies to the aristocratic party.

They must ultimately effect its downfall. It has entered into a contest in which it cannot be successful, until those causes, which contribute to the continuance of society, shall have ceased to operate. The manners, feelings, and opinions of living men must be totally changed; a new inheritance of thought must be bequeathed to their descendants; commerce, literature, and the chief productive arts must be destroyed; the tide of improvement must flow back, and then, but not before, can the doctrines of the holy alliance be reestablished in their primitive security.

In the contest between a party thus destined to prevail and another so determined to resist, in which the very foundations of civilized society must be shaken, it is not impossible that much may take place, which the friends of liberal principles cannot approve. The passions of the multitude, never under the strictest subjection, when emancipated from the severe bonds of despotic government, may lead them into excesses, that will cast a stain upon the popular cause. We hope that this may not be the case; but if it should, to whom ought those excesses to be attributed? Not to the friends of freedom, notwithstanding their followers may be the immediate actors. The efficient cause often lies beyond the apparent agent. Subjects have rights and feelings as well as their rulers. Their passions are excited at any violation of these rights, and their indignation and anger become uncontrollable. When their attention is once attracted to their political interests, and the subtlety, hypocrisy, and injustice of the privileged orders, and their open and secret opposition to any political reform, are made manifest to their understandings; it is folly then to charge upon the lower classes, the guilt of those atrocities which may be committed in a contest between them and the supporters of the ancient order of things, brought on by the opposition of the latter to a reformation, that was called for by the exigencies of society. The consequences to which we allude are the necessary result of such conduct in such a state of society. The operation of circumstances and principles upon men in the mass, may be foretold with as much certainty, as any of the phenomena of the natural world; and if kings and their ministers, with all the lights which are afforded to them by their high stations, will oppose the spirit of the age, their destruction is upon their own heads, as much as if

they had placed themselves in the channel of a torrent, when they heard the storm gathering in the mountains.

It cannot be expected, that a contest involving such important principles, portending such momentous results, affecting so many interests and upon so extensive a theatre, should pass by, without affecting us in a national point of view. The exercise of belligerent rights upon our extended commerce must present many causes of offence. Besides, the nature of the contest is such as almost necessarily to involve us in disputes with one of the great contending parties. If success should favor the allied monarchs, would they be satisfied with reforming the government of Spain? Would not the Spanish colonies, as part of the same empire, then demand their parental attention? And might not the United States be next considered as deserving their kind guardianship? Would this government be likely to receive more indulgence than that of Spain? Its example does infinitely more hurt to the cause of despotism than ten Spanish revolutions. Its very existence is an attack upon the monarchies of Europe; its economy is a reproach upon their wild extravagance; and its policy condemns their ambition, their unnecessary wars, and their whole political system. In this contest, though not an active, this republic is their most efficient enemy. She appeals to the feelings and interests of men, and creates allies and enlists armies in the camps of her antagonists. The wishes of our citizens, too, are all on the side of the liberal party. These circumstances, connected with the jealousy with which our republican institutions are viewed by the European courts, may produce a state of feeling, that will not improbably result in direct hostility, and it is not impossible that the extravagant pretensions of the Russian Emperor in the Pacific, are only the first steps to a series of usurpations, which we cannot resist without war, nor submit to without dishonor.

Neither is it by the active interference of the allied courts alone, that our pacific relations may be disturbed. Our institutions, feelings, and domestic policy, indeed, place us in opposition to them; but our foreign policy is equally opposed to the commercial systems of the governments advocating liberal political principles. The national policy of the United States is founded upon two great maxims, just and equal laws at home, and reciprocal commerce with foreign nations. The history

of the country, our wars, treaties, negotiations, and our statutes, fully illustrate this proposition. This commercial system is directly opposite to that, which has always governed the great powers in opposition to the alliance. Spain, when in possession of her South American colonies, scrupulously debarred all intercourse with those fertile countries. If by this revolution she should attain any great physical force, whatever party may rule over the kingdom, it is not probable that the government will acquiesce in their total separation, without making some final and vigorous efforts for their subjection. Whether she should attempt this unaided by her allies, or with the assistance of the holy alliance in case of the success of the despotic party, or of Great Britain, provided the latter should, by the length of the contest and the violence of the alliance, be compelled to side with Spain, is immaterial. In either event it will present a fruitful field of dispute and controversy. The United States have acknowledged the independence of the Spanish colonies; their citizens are engaged in extensive and flourishing commerce with them, and no attempt can be made to subjugate these new powers, without bringing our interests and rights in direct conflict with the pretensions of the invaders. If England should join Spain in her contest with France, the chance of this country's remaining at peace will be still more diminished. Great Britain is a greater monopolist of the commerce of the world than even Spain. Her commercial system has extended itself into every quarter, and has been everywhere followed and supported by her wealth, her intrigues, and her arms. In America, Europe, Asia, and Africa, it is seen and felt, grasping and monopolizing the commerce and carrying trade of all nations. Every war has its preservation for an object, and every negotiation tends to extend and perpetuate it. With nations, advocating a system so opposite to ours, and with interests clashing with those of this republic at so many points, it will be next to impossible, in the agitation and tempest of a general political conflict, to preserve our harmonious relations, and we should be prepared to maintain our rights in the manner in which the rights of such a people should be maintained. These considerations will doubtless induce the government of this country to preserve a rigid and scrupulous neutrality between these great parties. It is indifferent between them. Our feelings as freemen and men

are indeed warmly interested in the success of Spain ; but our national interests are opposed to that policy which its government would probably adopt in conformity with the public feeling of the nation, and a too hearty adoption of their cause would compromise some of our best interests in case of its success. But while this government should preserve a strict neutrality, it should be an armed neutrality. It is an unwise and unsafe presumption to trust to the equity and forbearance of nations at war. In all wars the rights of neutrals are too apt to be regarded by the belligerents in a secondary point of view. Under the pretended sanction of some new principle of national law, their commerce is daily subjected to some vexatious interruption, as this country has already ascertained by dearly bought experience. The questions constantly arising between belligerents and neutrals as to their respective privileges, are tenfold increased in wars concerning opinions, in which the chief civilized powers are engaged for the purpose of supporting or overthrowing any particular system. The elements of society are then in agitation, and the public mind is alive to start and settle new principles in politics and jurisprudence. To vindicate the rights of this country in such a crisis, the government must be able to defend its cause by other means than sound logic. We have not yet arrived at that Utopian age when redress will follow the perception of injustice, and there is still enough of uncertainty and confusion in national law to warrant discussion upon many of the most important privileges of neutrals. New and equally important questions will probably arise, and if we would enjoy the dignity and privileges of an independent neutral, and would give force to our remonstrances and negotiations, we must be prepared to back them with those more weighty reasons that are reserved for the peroration of a national argument.

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ART. XVIII.—*An Essay on the Law of Contracts for the Payment of Specific Articles.* By Daniel Chipman. Middlebury, Vt. 1822.

THIS little volume, which was announced in our quarterly list of *new publications* for April, we have thought deserving of a more particular notice, as well on the score of its own